

THE O'MALLEY LAW FIRM
10 SOUTH BRENTWOOD, SUITE 102
P.O. BOX 16124
ST. LOUIS, MISSOURI 63105-0824
(314) 721-8001
FAX (314) 721-3754

KEVIN F. O'MALLEY*+

*ALSO LICENSED IN ILLINOIS
+ALSO LICENSED IN DISTRICT OF COLUMBIA

July 29, 1997

MARY L. REITZ*
DEBRA STACHOWSKI PIERCE*
LINDA CARY HINSHAW*
WELDON N. JOHNSON

GERALDINE A. WALKER
JENNIFER C. STRAUSS
LEGAL ASSISTANTS

Mr. Danny L. McDonald
Chairman
Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, D.C. 20463

AOR 1997-17

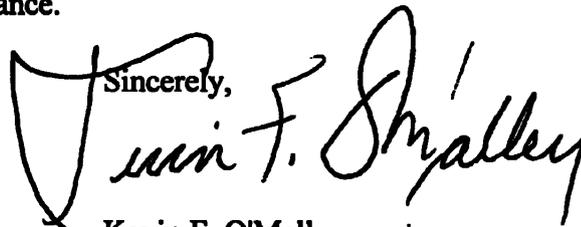
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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Dear Mr. McDonald:

I am aware of several Advisory Opinions from the Federal Election Commission which addressed the applicability of federal election laws to limited liability companies. I am writing on behalf of Missouri Attorney "Jay" Nixon, a candidate for the United States Senate, to request an Advisory Opinion from the Federal Election Commission on the issue of whether a contribution from a Missouri limited liability company may be treated as a contribution from a "person" within the meaning of the Federal Election Campaign Act of 1971.

The Federal Election Commission has previously considered the ability of limited liability companies to make contributions in connection with federal elections. The Commission has consistently concluded that limited liability companies as business entities "distinct from a corporation or partnership under the statutes of those jurisdictions, fell within the meaning of a 'person' as contemplated by the Act." See Federal Election Commission Advisory Opinions 1997-4, 1996-13, and 1995-11. Missouri law is similar to the laws of Pennsylvania, Virginia, and the District of Columbia which were the subject of the previous Advisory Opinions. Missouri law is nearly identical to the applicable law of Pennsylvania in this regard.

Thank you very much for your assistance.

Sincerely,

Kevin F. O'Malley